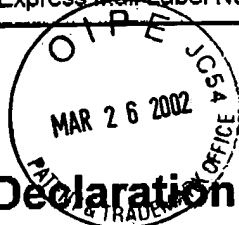


Express Mail Label No. EL934023143US

Page 1 of


Docket No.  
01-40326-US

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### COMPOSITIONS AND METHODS FOR ENHANCING CORTICOSTEROID DELIVERY

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on December 21, 2001 as United States Application No. or PCT International Application Number 10/037,360 and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)
_____	_____
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
_____	_____	_____
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

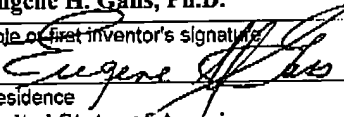
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

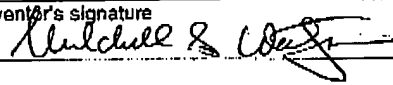
**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Louis M. Heidelberg, Reg. No. 27,899; John W. Goldschmidt, Jr., Reg. No. 34,828; William J. McNichol, Jr., Reg. No. 31,179; Maryellen Feehery, Reg. No. 44,677; Carl H. Pierce, Reg. No. 45,730; Nanda P.B.A. Kumar, Reg. No. 44,853; Thomas J. McWilliams, Reg. No. 44,930; Tara L. Rachinsky, Reg. No. 47,875; Matthew J. Esserman, Reg. No. 41,536; Jonathan M. Darcy, Reg. No. 44,054; Todd A. Norton, Reg. No. 48,636; Jerome G. Schaefer, Reg. No. 50,800; Lawrence B. Ebert, Reg. No. 38,438; Frederick H. Colen, Reg. No. 28,061; Gene A. Tabachnick, Reg. No. 33,801; Maria N. Bernier, Reg. No. 37,433; Barry J. Coyne, Reg. No. 43,566; Kirsten R. Rydstrom, Reg. No. 38,603; Paul D. Bangor, Jr., Reg. No. 34,768; Charles H. Dougherty, Jr., Reg. No. 42,494; Robert D. Kucler, Reg. No. 45,908; Cheryl L. Gastineau, Reg. No. 39,469; Ian K. Samways, Reg. No. 36,664; Marc J. Farrell, Reg. No. 37,826; Kurt L. Ehresman, Reg. No. P50,758; Stanley P. Fisher, Reg. No. 24,344; Juan Carlos A. Marquez, Reg. No. 34,072; Gerald Kiel, Reg. No. 25,116; Eugene Le Donne, Reg. No. 35,930; Jules Goldberg, Reg. No. 24,408; Lloyd McAulay, Reg. No. 20,423; Arthur Dresner, Reg. No. 24,403; Stephen Chin, Reg. No. 39,938; Samir Patel, Reg. No. 44,998; W. Scott Railton, Reg. No. 23,039; and Marv E. Buckles, Reg. No. 31,907 of Reed Smith LLP

Send Correspondence to: William J. McNichol, Jr.  
 Reed Smith LLP  
 2500 One Liberty Place, 1650 Market Street  
 Philadelphia, PA 19103-7301

Direct Telephone Calls to: (name and telephone number)  
 Maryellen Feehery, Esq. 215-241-7988

Full name of sole or first inventor <b>Eugene H. Gans, Ph.D.</b>	<b>3/19/02</b>
Sole or first inventor's signature 	Date
Residence <b>United States of America</b>	
Citizenship <b>United States of America</b>	
Post Office Address <b>514 Harvest Commons</b>	
<b>Westport, CT 06880</b>	

Full name of second inventor, if any <b>Mitchell S. Wortzman, Ph.D.</b>	<b>3/19/02</b>
Second inventor's signature 	Date
Residence <b>United States of America</b>	
Citizenship <b>United States of America</b>	
Post Office Address <b>8125 N. Hayden Road</b>	
<b>Scottsdale, AZ 85258</b>	

Express

Label No. E4939023143US

Page 1 of 2

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN			Docket No. 01-40326-US
Serial No. 10/037,360	Filing Date December 21, 2001	Patent No.	Issue Date
Applicant/ Patentee: <b>Medicis Pharmaceutical Corporation</b>			
Invention:  <b>COMPOSITIONS AND METHODS FOR ENHANCING CORTICOSTEROID DELIVERY</b>			
<p>I hereby declare that I am:</p> <p><input type="checkbox"/> the owner of the small business concern identified below:</p> <p><input checked="" type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below:</p> <p>NAME OF CONCERN: <u>Medicis Pharmaceutical Corporation</u></p> <p>ADDRESS OF CONCERN: <u>8125 N. Hayden Road, Scottsdale, AZ 85258</u></p> <p>I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.</p> <p>I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:</p> <p><input type="checkbox"/> the specification filed herewith with title as listed above.</p> <p><input checked="" type="checkbox"/> the application identified above.</p> <p><input type="checkbox"/> the patent identified above.</p> <p>If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).</p>			

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below.

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Mark A. Prygoeki, Sr.

TITLE OF PERSON SIGNING

OTHER THAN OWNER: Chief Financial Officer

ADDRESS OF PERSON SIGNING: 8125 North Hayden Road  
Scottsdale, AZ 85258

SIGNATURE: \_\_\_\_\_

DATE: MARCH 20, 2002

Attorney Docket No.  
01-40326-US

Express Mail Label No. EL8717955610'S

#### ASSIGNMENT

WHEREAS, Eugene H. Gans, Ph.D. and Mitchell S. Wortzman hereinafter collectively referred to as the "Undersigned"), have invented the method and apparatus described in the patent application for COMPOSITIONS AND METHODS FOR ENHANCING CORTICOSTEROID DELIVERY (herein referred to as the "Invention") Serial No. 10/037,360 (hereinafter referred to as the "Application"); and

WHEREAS, Medicis Pharmaceutical Corporation located at 8125 North Hayden Road, Scottsdale, AZ 85258 (hereinafter referred to as the "Assignee"), is desirous of acquiring the entire right, title and interest in said Invention, said Application and all letters patent issuing for said Invention.

NOW, THEREFORE, in consideration of Five Dollars (\$5.00) and of other good and valuable consideration, receipt of which is acknowledged by the Undersigned, the Undersigned, intending to be legally bound, do hereby sell, assign and transfer to the Assignee and Assignee's legal representatives the entire right, title and interest, for the United States of America, its territories and possessions, and for all foreign countries, in said Invention, including all improvements thereof, said Application and all provisionals, divisions, continuations and continuations-in-part thereof, and in all letters patent, including all reissues thereof, issuing for said Invention.

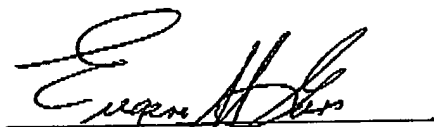
It is agreed that the Undersigned shall be legally bound, upon request of the Assignee, to supply all information and evidence relating to the making and practice of said Invention, including all improvements thereof, to testify in any legal proceeding relating thereto, to execute all instruments proper to patent the Invention, including all improvements thereof, in the United States and foreign countries in the name of the Assignee, and to execute all instruments proper to carry out the intent of this agreement.

See Pages 2 and 3 for signature of inventors

Assignment Page 2

Attorney Docket No.  
01-40326-US

The rights and property herein conveyed by the Undersigned are free and clear of any encumbrance.

  
Eugene H. Gans, Ph.D.

3/19/02  
Date

EXECUTED under seal on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_

Witness:

Deborah McDermott

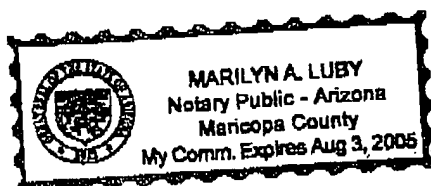
State of ARIZONA

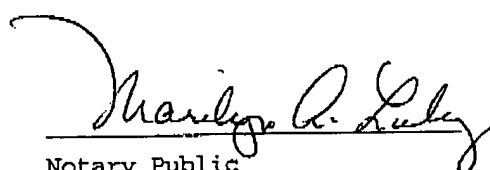
SS

County of MARICOPA

On this 19<sup>th</sup> day of MARCH, 2003 before me personally appeared Eugene H. Gans, Ph.D. to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.



  
Notary Public

Assignment Page 3

Attorney Docket No.  
01-40326-US

Mitchell S. Wortzman  
Mitchell S. Wortzman, Ph.D

3/29/02  
Date

EXECUTED under seal on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_

Witness:

Deborah M. Jermitt

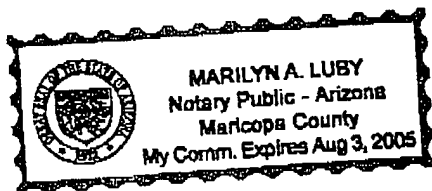
State of ARIZONA

SS

County of MARICOPA

On this 19<sup>th</sup> day of MARCH, 2002, before me personally appeared Mitchell S. Wortzman to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

Witness my hand and Notarial seal the day and year immediately above written.



Marilyn A. Luby  
Notary Public



Express Mail Label No. EL 871795561 US

Docket No.: 01-40326-US

FORM PTO-1595 (Modified)  
(Rev. 03-01)  
OMB No. 0651-0027 (exp. 5/31/2002)  
P08A/REV03

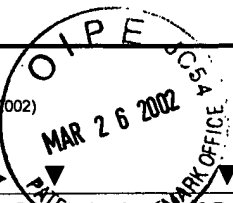
RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

**PATENTS ONLY**

Tab settings → → →



To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

**Eugene H. Gans, Ph.D.**  
**Mitchell S. Wortzman**

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

2. Name and address of receiving party(ies):

Name: Medicis Pharmaceutical Corporation

Address: 8125 North Hayden Road

City: Scottsdale

State/Prov.: AZ

Country: U.S.A.

ZIP: 85258

Additional name(s) & address(es)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date: March 19, 2002

4. Application number(s) or patent numbers(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

Patent Application No.

Filing date

10/037,360

12/21/2001

B. Patent No.(s)

Additional numbers

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: William J. McNichol, Jr.

Registration No. 31,179

Address: Reed Smith LLP

2500 One Liberty Place

1650 Market Street

City: Philadelphia

State/Prov.: PA

Country: U.S.A.

ZIP: 19103-7301

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☐ Authorized to be charged to deposit account

8. Deposit account number:

18-0586

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Maryellen Feehery, Reg. No. 44,677

Name of Person Signing

*Maryellen Feehery*

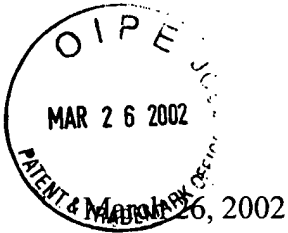
Signature

March 26, 2001

Date

5

Total number of pages including cover sheet, attachments, and



**Via Express Mail Label No. EL871795561US**

Box Assignment  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

RE: Recordation of Assignment of U.S. Application No. 10/037,360  
to Medicis Pharmaceutical Corporation

Dear Sir:

Enclosed for recordation in the Patent and Trademark Office, please find the following document and accompanying materials.

Assignment dated March 19, 2002 in connection with the above-identified patent application, corresponding completed Recordation Form Cover Sheet (Patents Only), and a check in the amount of \$40.00 for the recordation fee for the patent application.

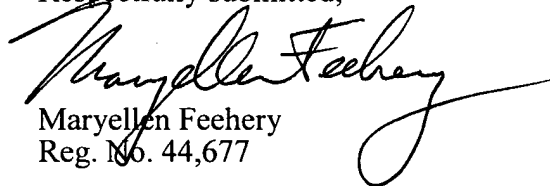
Accordingly, we request that this Assignment be (i) recorded in the United States Patent and Trademark Office, (ii) reflected in its indices and records, and (iii) returned to us at your earliest convenience with a Notice of Recordation for the assignment.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment in the enclosed amount to deposit account #18-0586.


Express Mailing Label No. EL871795561US  
Date of Deposit March 26 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

Respectfully submitted,

  
Maryellen Feehery  
Reg. No. 44,677

Elaine Weisbecker  
(Typed or printed name of person mailing paper or fee)

  
(Signature of person mailing paper or fee)

2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
215.851.8100  
Fax 215.851.1420  
Delaware  
New Jersey  
New York  
Pennsylvania  
United Kingdom  
Virginia  
Washington, DC